Docket No.: C1039.70077US00

REMARKS

Claims 42-45, 51 and 53-74 were previously pending in this application. Claims 53-57 and 62-73 are now cancelled without prejudice or disclaimer. No claims are amended. No new claims are added. Claims 42-45, 51, 58-61 and 74 are pending for examination with claim 42 being an independent claim.

No new matter has been added.

Interview with Examiner:

Applicant thanks Examiner Epps-Ford for the courtesy extended during the personal interview with Applicant's representative Helen Lockhart on October 13, 2006. During the Interview the issues of the Restriction Requirement and Double Patenting were discussed. Applicant's representative agreed to cancel the method claims and pursue the product claims 42-45, 51, 58-61 and 74 in the pending application. The method claims will be pursued in a divisional application. It was agreed that the Obviousness-type double patenting rejection would be withdrawn in view of the restriction requirement presented in parent patent application US 08/960,774, now issued as US6,239,116B1.

Defective Oath or Declaration:

A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date and listing the updated corrected priority information is enclosed.

Election/Restrictions:

In view of the cancellation of method claims 53-57 and 62-73 the restriction requirement is now moot. Reconsideration and withdrawal of the rejection is respectfully requested.

Double Patenting

Claims 42-61 and 74 have been rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-49 of U.S. Patent No. 6,239,116 B1. Attached is a copy of the restriction requirement received from the US Patent Office in parent application US

08/960,774, now issued as US6,239,116B1. The Restriction requirement requires the election between product and method claims. Additionally, Applicants have now canceled all method

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claims from the instant patent application. It is believed that the amendments and evidence

presented herein is sufficient to overcome the rejection.

Docket No.: C1039.70077US00

CONCLUSION

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Dated: October 17, 2006

Respectfully submitted,

Helen C. Lockhart

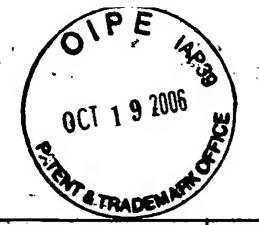
Registration No.: 39,248

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UNITED STATE DEPARTMENT OF COMMERCE Patent and Trademark Office

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 APPLICATION NO.
 FILING DATE
 FIRST NAMED INVENTOR
 ATTORNEY DOCKET NO.

 08/960,774
 10/30/97
 KRIEG
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 08918/012001

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EXAMINER MARTINELL, J

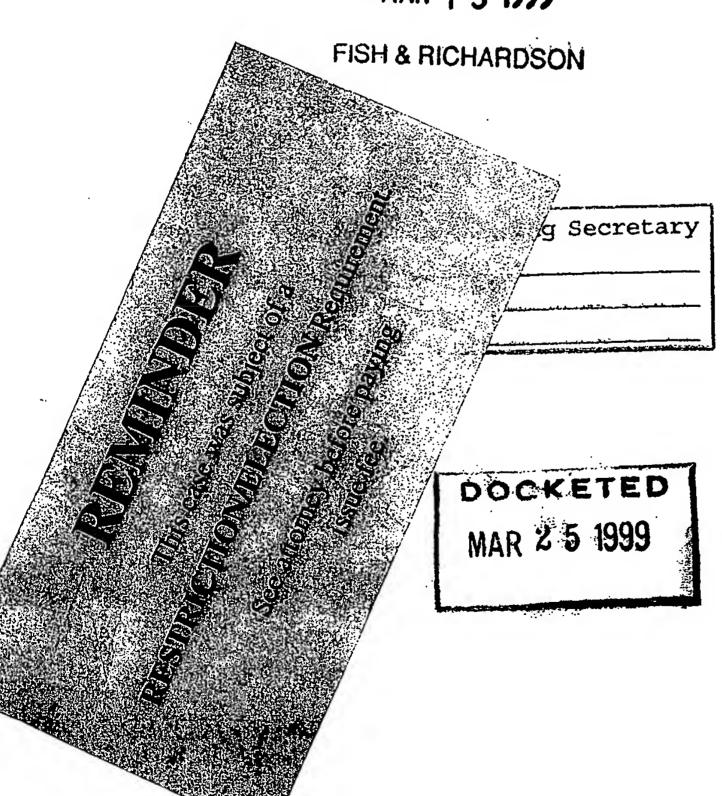
ART UNIT PAPER NUMBER

DATE MAILED: 03/08/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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Docketed By Practice Systems
Action Code: PESTRICHON

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Due Date: 4899

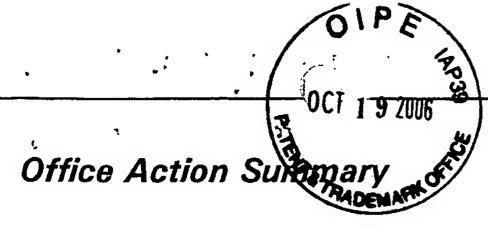
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Initials: 600

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C1039/7005

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Application No. 08/960,774

Applicant(s)

Krieg et al

Examiner

Group Art Unit

	James Martinell	1633	
☐ Responsive to communication(s) filed on			•
☐ This action is FINAL .			
☐ Since this application is in condition for allowance except in accordance with the practice under <i>Ex parte Quayle</i> ,	•	n as to the me	erits is closed
A shortened statutory period for response to this action is sis longer, from the mailing date of this communication. Fai application to become abandoned. (35 U.S.C. § 133). Ext 37 CFR 1.136(a).	lure to respond within the period	I for response	will cause the
Disposition of Claims			
	is/are p	ending in the	application.
Of the above, claim(s)		thdrawn from	consideration.
Claim(s)	is	/are allowed.	
Claim(s)		/are rejected.	
Claim(s)	is	/are objected	to.
	are subject to restriction	on or election	requirement.
Application Papers ☐ See the attached Notice of Draftsperson's Patent Dra ☐ The drawing(s) filed on	pjected to by the Examiner. isapproved er. rity under 35 U.S.C. § 119(a)-(des of the priority documents have Number) the International Bureau (PCT Ru	e been ule 17.2(a)).	
	iority under 35 U.S.C. § 119(e).	•	
Attachment(s) Notice of References Cited, PTO-892 Information Disclosure Statement(s), PTO-1449, Pape Interview Summary, PTO-413 Notice of Draftsperson's Patent Drawing Review, PTO Notice of Informal Patent Application, PTO-152			
SEE OFFICE ACTION C	ON THE FOLLOWING PAGES		



Serial No. 08/960,774

Art Unit 1633

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-17, drawn to oligonucleotides, classified in class 536, subclass 22.1.
- II. Claims 18-35, drawn to methods of treatment using oligonucleotides, classified in class 514, subclass 44.
- III. Claims 36-41, drawn to methods of treatment using bafilomycin A, chloroquine, or monensin, classified in class 544.

The oligonucleotides of Group I can be used for methods other than the methods of Group II (e.g., as building blocks for the synthesis of longer amino acids). The oligonucleotides of Group I are not needed to practice the methods of Group III. The methods of Groups II and III may be practiced independently of one another.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and because of their recognized